

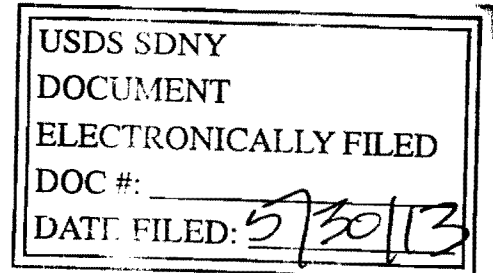


UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
NEW YORK REGIONAL OFFICE
3 WORLD FINANCIAL CENTER
ROOM 400
NEW YORK, NEW YORK 10281-1022

May 20, 2013

Via Facsimile: 212-805-7901

The Honorable Harold Baer, Jr.
United States District Judge
U.S. District Court for the Southern District of New York
500 Pearl Street
New York, NY 10007-1312



Re: *SEC v. Steinberg, 13 Civ. 2082 (HB)*

Dear Judge Baer:

The undersigned counsel represents Plaintiff Securities and Exchange Commission in the above-referenced action.

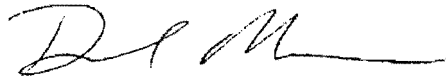
On May 13, 2013, the parties jointly endeavored to develop a proposed discovery plan in advance of this Court's Rule 16 pretrial conference, which has not yet been scheduled. It is our understanding that Your Honor's ordinary practice in civil cases is to notify plaintiffs of the date for the pretrial conference and to then require the parties to confer in an effort to complete a copy of Your Honor's Pretrial Scheduling Order ("PTSO"). However, before this case was assigned to Your Honor, it was designated for inclusion in the Pilot Project Regarding Case Management Techniques for Complex Civil Cases ("Pilot Project"), which is governed by procedures that depart from Your Honor's Individual Practices.

While the parties are prepared to abide by the Pilot Project procedures, the parties would not object to Your Honor withdrawing this case from the Pilot Project and ordering that the matter be governed by Your Honor's Individual Practices. Judge Crotty recently entered such an order in Kellner v. U.S. Army Corps of Engineers, No. 12 Civ. 8458 (PAC), and in SEC v. Adondakis, No. 12 Civ. 409 (HB), a case that arose in part out of the same allegations in this case and that was similarly designated for inclusion in the Pilot Project, the parties – after first filing the Initial Report called for by the Pilot Project's procedures – thereafter completed and filed the Court's PTSO form.

The Honorable Harold Baer, Jr.
May 20, 2013
Page 2

For these reasons, the parties respectfully request that the Court clarify whether they should follow the Pilot Project procedures or Your Honor's Individual Practices. The parties remain available for a conference should the Court have any further questions.

Respectfully submitted,



Daniel R. Marcus
Senior Counsel

cc: Barry H. Berke, Esq. (by email)
Robin Wilcox, Esq. (by email)
Kramer Levin Naftalis & Frankel LLP
Attorneys for Defendant Michael Steinberg

I may find it prudent
to litigate pursuant to my
individual practices. I doubt
you need an order but if you
do submit one I will file
Rule 16 notice from chambers.

SO ORDERED:


Harold Baer Jr., U.S.D.J.

5/29/13

Endorsement:

I'm glad to remove and litigate pursuant to my individual practices. I doubt you need an order but if you do submit one and wait for a Rule 16 notice from Chambers.